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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Malik W. Ahmad,

Plaintiff

v.

Experian and The Vanguard Group, Inc.

Defendants

Case No.: 2:17-cv-02421-JAD-VCF

Order

[ECF Nos. 16, 18]

On the parties' stipulation, I stayed this case in October 2017 pending the resolution of a putative class action in the U.S. District Court for the Central District of California styled as *In Re Experian Data Breach Litigation*, No. 2:15-cv-01592.¹ Consistent with my stay order, the parties filed a joint status report in June 2019 informing the court that *In Re Experian Data Breach Litigation* "had proceeded to judgment pursuant to a settlement reached between the parties."² In that report, pro se plaintiff Malik W. Ahmad expressed his desire to engage in a settlement conference in this case while defendants Experian³ and The Vanguard Group, Inc. contended that Ahmad is a member of the nationwide settlement class in *In Re Experian Data Breach Litigation* and anticipated dispositive-motion practice on that issue.⁴

One month later, Ahmad filed a "Motion to Schedule Discovery or Alternately Settlement Conference Between the Parties."⁵ In addition to the two entitled forms of relief,

¹ ECF Nos. 13 (stipulation to stay), 14 (order granting stipulation).

² ECF No. 15 at 2.

³ Ahmed named "Experian" as a defendant. ECF No. 1-1 at ¶ 1. Experian Information Solutions, Inc. explained in its Notice of Removal that it was erroneously sued as just "Experian." ECF No. 1 at 1.

⁴ ECF No. 15.

⁵ ECF No. 16.

1 Ahmad also seeks in that motion a declaration that he is not a member of the *In Re Experian*
2 *Data Breach Litigation* settlement class.⁶ Experian responds that Ahmad's motion is
3 unnecessary and violates this court's local rules, and that his request for declaratory relief is
4 inappropriate because he does not seek that relief in his complaint.⁷ Although Experian
5 acknowledges that Ahmad's motion is not the proper context to consider the merits of Experian's
6 defense that Ahmad's claims are barred, it proceeds to offer pages of argument and evidence on
7 that topic.⁸ It also asks me to take judicial notice of hundreds of pages of documents from the *In*
8 *Re Experian Data Breach Litigation*,⁹ which Ahmad opposes by arguing that the documents are
9 "irrelevant, inadmissible[,] and highly prejudicial."¹⁰

10 I construe Ahmad's motion as one seeking to lift the stay and I grant him that relief
11 because it is undisputed that the *In Re Experian Data Breach Litigation* case has been resolved.
12 I deny Ahmad's motion for a declaration that he isn't a member of the *In Re Experian Data*
13 *Breach Litigation* settlement class because it is procedurally improper. I deny Ahmad's request
14 to reopen discovery because he must first initiate the scheduling of a conference as required by
15 this court's Local Rule 26-1 and Rule 26(f) of the Federal Rules of Civil Procedure. Because
16 there has been no scheduling conference and no discovery plan is yet in place, I deny Ahmad's
17 motion for a settlement conference as premature. Finally, I deny Experian's request for judicial
18 notice without prejudice to its ability to reurge that request in the context of a proper dispositive
19 motion.

21 ⁶ *Id.* at 2–6.

22 ⁷ ECF No. 17.

23 ⁸ *See generally id.*

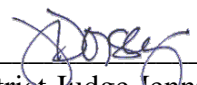
⁹ ECF No. 18.

¹⁰ ECF No. 21 at 2.

1 **Conclusion**

2 Accordingly, IT IS HEREBY ORDERED that Ahmad's Motion to Schedule Discovery
3 or Alternately Settlement Conference Between Parties [ECF No. 16] is construed as a motion to
4 lift the stay and **GRANTED in part** only as to that relief: **the stay is LIFTED** and **Ahmad has**
5 **until April 30, 2020, to initiate the scheduling of a mandatory conference** with defendants'
6 attorneys under L.R. 26-1 and FRCP 26(f). The parties must file a discovery plan and
7 scheduling order as directed under L.R. 26-1(a), and this case will proceed in the ordinary
8 course. Ahmad's motion is **DENIED** in all other respects.

9 IT IS FURTHER ORDERED that Experian's request for judicial notice [ECF No. 18] is
10 **DENIED without prejudice** to Experian's ability to reurge that request in the context of a
11 dispositive motion.

12 
13 U.S. District Judge Jennifer A. Dorsey
14 March 31, 2020
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